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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/876,354	06/06/2001	Jody L. Terrill	1006137-1	9168

7590 08/30/2004

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EXAMINER

WU, QING YUAN

ART UNIT PAPER NUMBER

2127

DATE MAILED: 08/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/876,354	Applicant(s) TERRILL ET AL.	
	Examiner Qing-Yuan Wu	Art Unit 2127	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 8/6/2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-34 are pending in the application.

Claim Objections

2. Claim 32 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim in proper dependent form, or rewrite the claim in independent form. A claim cannot depend on itself, applicant is required to correct this problem in response to this office action (i.e. for examining purpose, claim 32 is treated as dependent on claim 31).

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1, 6-8, 15-17, 21-22, 28-31, and 34 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- a. The following terms lack antecedent basis:

- i. The port monitor- claim 16, line 8.

- b. The following terms are not clearly defined:

- i. As per claims 1 and 16, it is uncertain what the applicant means by
“correlating the pre-print information and the post-print

information having like unique job identifiers” (i.e. is there an identifier associating with each print information? Are these identifiers the same identifier as the print job? Does “having like unique identifiers,” means that the identifiers don’t necessarily have to be the same unique job identifier? In addition, do pre-print information and the post-print information have different identifiers being correlated?).

- ii. As per claims 1, 16, 22, and 31, it is uncertain whom or what is performing the claim steps of associating, obtaining, correlating (i.e. a port module that performs the above steps).
- iii. As per claims 6-8, it is uncertain whether “unique identifier” refers to the same “unique job identifier” as stated in claim 1, line 7 (i.e. if they are the same then “unique job identifier” should be used throughout all the claims).
- iv. As per claims 15 and 21, it is uncertain if this is a method claim or a computer readable medium having computer program claim (i.e. applicant is required to rewrite the claim in the correct independent form).
- v. As per claim 17, it is unclear what the applicant mean by having “a same threshold value” (i.e. a threshold value to trigger what type of action?).
- vi. As per claims 28-30, it is uncertain whether “job information collection module” refer to “a job information module” on claim

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27, line 9 and “a job collection module” on claim 27, line 11 (i.e. if they are the same then “said” or “the” should be used and “the/said job information module and job collection module” should be used throughout all the claims to refer to the antecedent).

- vii. As per claim 34, it is not clearly indicated whether this is a system of a computer claim or computer-readable medium having computer executable instructions claim (i.e. is it an independent or dependent claim?).

Claim Rejections - 35 USC § 101

5. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

6. Claims 1-14, 16-20, and 22-26 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims 1-14, 16-20, and 22-26 are directed to method steps which can be practiced mentally in conjunction with pen and paper, therefore they are directed to non-statutory subject matter. Specifically, as claimed, it is uncertain what performs each of the claimed method steps. The claimed steps do not define a machine or computer implemented process [see MPEP 2106]. (The examiner suggests applicant to change “method” to “computer implemented method” in the preamble to overcome the outstanding 35 U.S.C. 101 rejection).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matsuo et al (hereafter Matsuo) (U.S. Patent 6,775,729).

9. As to claims 1 and 15, Matsuo teaches a method comprising:

- associating a print job with a unique job identifier [col. 19, lines 52-55];
- obtaining pre-print information about the print job [col. 51, lines 55-58];
- obtaining post-print information about the print job [5201, Fig. 70; col. 50, lines 38-48];
- correlating the pre-print information and the post-print information [Fig. 35; col. 50, lines 42-48] ,

10. Matsuo does not specifically teach the step of correlating the pre-print information and the post-print information based on having like unique job identifiers. However, Matsuo disclosed a log data that contains correlated pre-print and post print

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information such as the output number of sheets of paper, amount of toner used and completion status of the job belonging to a common user ID [Fig. 35; col. 5, lines 42-48].

11. It would have been obvious to one of an ordinary skill in the art at the time the invention was made to correlate pre-print and post-print information based on the same ID because each print job ID is unique to the print job. Correlating the pre-print and post-print information based on the same ID provide the ease of identifying the pre-print and post-print information belonging to a common print job by simply comparing their IDs.

12. As to claim 2, Matsuo teaches the invention substantially as claimed in claim 1, wherein the pre-print information is received from an operating system [col. 56, lines 55-56].

13. As to claims 3-4, Matsuo teaches the invention substantially as claimed including a method as recited in claim 1, wherein the post-print information is obtained from a peripheral [5201, Fig. 70; col. 50, lines 38-42], and the peripheral is selected from among a group of peripherals comprising a printer and a facsimile machine [col. 1, lines 34-39].

14. As to claim 5, Matsuo teaches the invention substantially as claimed in claim 1. Matsuo does not specifically teach obtaining post-print information step comprises use of SNMP Gets. However, Matsuo disclosed a log data obtaining job script made up of a continuation of command packets [col. 50, lines 38-39; col. 33, lines 25-26] that performs

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the same functionality. It is well known in the art to use Simple Network Management Protocol of TCP/IP to monitor the activity of various devices, wherein in this case, to obtain the information on a print job a SNMP Gets command have to be used.

15. It would have been obvious to one of ordinary skill in the art at the time the invention was made, to have included a common network management protocol as being considered and implemented in Matsuo's method of print job management.

16. As to claim 6, Matsuo teaches the invention substantially as claimed in claim 1 including storing the unique identifier, the pre-print information and the post-print information [Fig. 35; col. 25, lines 30-42].

17. As to claims 7-8, Matsuo teaches the invention substantially as claimed in claim 1. Matsuo does not specifically teach sending the unique identifier, the pre-print information and the post-print information to a job table on a peripheral. However, Matsuo disclosed sending log data held by the multi-functional peripheral (hereafter MFP) device to a requesting log managing utility in a client computer [col. 50, lines 35-42].

18. It would have been obvious to one of an ordinary skill in the art at the time the invention was made, to have recognized the bidirectional communication capability of the MFP and include the capability of communicating the log data back to the MFP.

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19. As to claims 9-11, Matsuo teaches the invention substantially as claimed in claim 1. Matsuo does not specifically teach transferring the pre-print information and the post-print information to a management server upon realization of a threshold, wherein the threshold is selected from a group of thresholds comprising an elapsed time threshold, a storage level threshold and a print job quantity threshold, and adjusting a value at which the threshold triggers the transfer of data. However, Matsuo disclosed storage of the log data in a storage medium that is either detachable from the MFP or built into the MFP [col. 8, lines 15-16].

20. It would have been obvious to one of an ordinary skill in the art at the time the invention was made, to have recognized the limited storage capacity of any storage medium and the importance of backing up essential information upon realization of reaching a certain threshold, adjusting the threshold, and transferring the essential information to a alternate storage location.

21. As to claims 12-13, Matsuo teaches the invention substantially as claimed in claims 1 and 16 including polling a peripheral to determine if the peripheral has finished with the print job, and polling step comprises varying the rate of polling as the peripheral works on the print job [col. 10, lines 27-29; col. 37, lines 26-29].

22. As to claim 14, Matsuo teaches the invention substantially as claimed in claim 1 including requesting the peripheral to send a trap with print information [col. 50, lines 38-42].

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23. As to claims 16, 18 and 21, these claims are rejected as claim 1 above, in addition Matsuo teaches configuring the port monitor with a management server and generating a user interface on the management server [col. 59, lines 24-27; Fig. 81; Fig. 82], and sending the print job to a printer [col. 38, lines 27-29]. Matsuo does not specifically teach the step of generating a user interface on the management server that is supported by HTML. However, it would have been obvious to one of an ordinary skill in the art at the time the invention was made, to have include the user interface supported by HTML in Matsuo's system because it's well know in the art that it would improve the versatility by providing cross platform compatibility.

24. As to claim 17, this claim corresponds to claim 9. Therefore, it is rejected for the same reason as claim 9 above. (Examiner's interpretation of "threshold value" as a threshold value to transfer pre-print and post-print information to a management server since applicant did not clarify the functionality of the threshold value in this claim).

25. As to claims 19-20, they correspond to claims 12-13 and 16. Therefore, they are rejected for the same reason as claims 12-13 and 16 above.

26. As to claims 22, and 31, they correspond to claims 2, 12 and 16. Therefore, they are rejected for the same reason as claims 2, 12 and 16 above.

27. As to claim 23, this claim corresponds to claim 13. Therefore, it is rejected for the same reason as claim 13 above.

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28. As to claims 24-26, they correspond to claims 9-11. Therefore, they are rejected for the same reason as claims 9-11 above.

29. As to claims 27-30, these are system claims correspond to the method claims 1, 5, and 16. Therefore, they are rejected for the same reason as claims 1, 5, and 16 above.

30. As to claims 32-33 these are computer readable media having computer readable instructions claims that correspond to the method claims 12-13. Therefore, they are rejected for the same reason as claims 12-13 above.

31. As to claim 34, this is a system claim that corresponds to the computer readable media having computer readable instructions claim 32. Therefore, it is rejected for the same reason as claim 32 above.

32. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent No. 6,678,068 to Richter et al, Patent No. 6,633,395 to
Tuchitoy et al, Patent No. 5,699,493 to Davidson, Jr. et al teach network
printing and printing systems.

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33. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Qing-Yuan Wu whose telephone number is (571) 272-3776. The examiner can normally be reached on 8:30am-5:00pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on (571) 272-3756. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Qing-Yuan Wu

Examiner

Art Unit 2127


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SUPERVISORY PATENT EXAMINER
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